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FAX TRANSMISSION**DATE:** January 28, 2008**PTO IDENTIFIER:** Application Number 10/549,854-Conf. #7163
Patent Number**Inventor:** Toshifumi Mihashi**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** EDWARDS ANGELL PALMER & DODGE LLP
William L. Brooks**PHONE:** (202) 478-7370**Attorney Dkt. #:** 80220(302735)**PAGES (Including Cover Sheet):** 5**CONTENTS:** Transmittal Form (1 page)
Response to Election of Species Requirement (2 pages)
Certificate of Transmission (1 page)

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PTO/SB/97 (09-04)
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Application No. (if known): 10/549,854

Attorney Docket No.: 80220(302735)

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Transmittal Form (1 page)

Response to Election of Species Requirement (2 pages)

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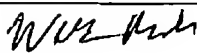
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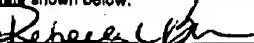
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/549,854-Conf. #7163
	Filing Date	September 23, 2005
	First Named Inventor	Toshifumi Mihashi
	Art Unit	2873
	Examiner Name	J. Dinh
Total Number of Pages in This Submission	Attorney Docket Number	80220(302735)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div style="border: 1px solid black; padding: 5px; min-height: 40px;"> Remarks </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature			
Printed name	William L. Brooks		
Date	January 28, 2008	Reg. No.	34,129

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Dated: January 28, 2008	Signature:  (Rebecca L. Brimmer)

237388
DC 237388.1

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Dated: January 28, 2008

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(Rebecca L. Brimmer)

Docket No.: 80220(302735)
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Toshifumi Mihashi

Application No.: 10/549,854

Confirmation No.: 7163

Filed: September 23, 2005

Art Unit: 2873

For: REFRACTION MEASURING INSTRUMENT

Examiner: J. Dinh

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the election requirement, applicant hereby provisionally elects, without traverse, the "species" of the first aspect of the invention, covered by claims 1 and 2. The Examiner has indicated that claim 1 is generic, and Applicant respectfully submits that claim 2 depending therefrom is also generic.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

237383
DC 237383.1

Application No.: 10/549,854

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Docket No.: 80220(302735)

Dated: January 28, 2008

Respectfully submitted,

By WLB

William L. Brooks

Registration No.: 34,129

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